

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF THE LICENSURE DISCIPLINE OF

MARK JOSEPH LEDING, D.O. , RESPONDENT

No. 02-00-017

SETTLEMENT AGREEMENT and FINAL ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and Mark J. Leding, D.O. (Respondent), on May 3, 2001, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (2001), enter into the following Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 02398 to practice medicine and surgery in Iowa on January 9, 1990. The license expired on December 1, 2002.

2. Respondent's license is currently on probation pursuant to a Combined Statement of Charges and Informal Settlement filed January 11, 1996, and Amended Order filed March 13, 1997; a Second Amended Order filed April 25, 1997; a Settlement Agreement and Final Order filed March 12, 1998; an



Amended Order filed October 18, 1999; and a Second Amended Order filed January 12, 2000.

3. A Statement of Charges was filed against Respondent on September 21, 2000. A hearing in this matter was scheduled to commence November 29, 2000, but has been indefinitely continued pending further order of the Board.

4. The Board has jurisdiction over the parties and subject matter pursuant to Iowa Code Chapters 147, 148 and 272C (2001).

5. Respondent submitted at his own expense to a comprehensive evaluation at the Menninger Clinic, from January 10, 2000, through January 28, 2000. The Board has reviewed the report that was issued by the Menninger Clinic following Respondent's evaluation.

6. Respondent attended the Professional / Problem Based Ethics (PROBE) program sponsored by the Ethics Group, LLC, of Summit, New Jersey, on January 26-28, 2001. At the conclusion of this program, PROBE submitted detailed evidence to the Board that the Respondent had successfully completed the requirements of this program.

7. Immediately upon the Board's approval of this Settlement Agreement and Final Order, Respondent's Iowa medical license shall be suspended for one

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year commencing on the date this Order is approved by the Board. All but thirty days of that suspension shall be stayed.

8. Respondent shall submit a \$5000 civil penalty. A check made payable to the Treasurer of Iowa shall be delivered to the Executive Director of the Board within ninety days of the date of this Order and shall be deposited into the general fund.

9. At the end of the period of suspension, Respondent's license shall be automatically reinstated, and placed on probation for a period of five years subject to the following terms:

- a) Respondent shall within fourteen days of the date of this Order make arrangements with Deb Anglin, Coordinator, Monitoring Programs, Iowa Board of Medical Examiners, 400 S.W.8th Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.
- b) Respondent shall not consume alcohol.
- c) Respondent shall not use any controlled or prescription drug in any form unless the controlled or prescription drug has been prescribed for Respondent's use by another duly licensed treating physician or other

qualified treating health care provider. Respondent shall provide the Board written notice within 72 hours of the use of any controlled or prescription drug. Respondent shall inform any treating physician or other treating health care provider of his history of substance abuse prior to receiving any prescription drug.

- d) Respondent shall submit to the Board's drug screening program and shall provide random blood or urine specimens upon request of that program. Respondent agrees to comply with all requirements of the drug screening program. Respondent shall also provide random blood or urine specimens on demand by an agent of the Board. The specimens shall be used for drug and alcohol screening, all costs of which shall be paid by Respondent.
- e) Respondent shall within thirty (30) days of the date of the Board's approval of this Settlement Agreement, submit to the Board the name and curriculum vitae of an addiction-informed psychiatrist for Board approval to supervise Respondent's continued treatment. Respondent shall see this Board-approved psychiatrist at least once monthly. In accordance with the recommendations of the Menninger Clinic, the

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Board-approved psychiatrist shall prescribe Naltrexone to Respondent, which he shall take as long as he is practicing anesthesia. Respondent shall take Naltrexone 100 mg Monday morning, Wednesday afternoon, and Friday afternoon, and his ingestion of Naltrexone shall be witnessed by another physician or health care provider, who shall be approved by the Board to document the ingestion and witnessing.

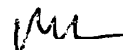
- (1) As a condition of approval, the Board-approved psychiatrist shall agree to submit written quarterly reports to the Board concerning Respondent's treatment progress. The reports shall be filed with the Board not later than January 20, April 20, July 20, and October 20 of each year of Respondent's probation.
- (2) Respondent shall continue with substance abuse treatment until discharged from treatment by the Board-approved psychiatrist and until Respondent's discharge from treatment is approved by the Board.

- f) Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement agreement, including attendance at meetings with his Board-approved

psychiatrist and Board-approved psychotherapist. The reports shall be filed not later than January 20, April 20, July 20, and October 20 of each year of Respondent's probation.

- g) Respondent shall attend at least one Alcoholics Anonymous meeting once every two weeks. Respondent shall attend at least one Narcotics Anonymous once every two weeks. Respondent shall append to each quarterly report referred to in subparagraph 10(f) above, statements signed or initialed by another person in attendance at the meetings attesting to Respondent's attendance. The statement shall include the time, date, and location of the meetings attended.
- h) Respondent shall continue to receive monthly cognitive behavioral and insight-oriented psychotherapy from a Board-approved, addiction-informed, psychotherapist who has reviewed all the Statement of Charges and final Orders involving Respondent; the Board's complete investigative file in this case; and the Menninger Clinic evaluation report dated February 2, 2000. The Board-approved psychiatrist and Board-approved psychotherapist may be the same person.

- i) Prior to his return to the practice of medicine, Respondent shall provide the Board with the name of a board-certified, Iowa-licensed physician to serve as his worksite monitor. Respondent shall further provide the Board with a statement from the worksite monitor indicating that the worksite monitor has reviewed all the Board's prior orders concerning Respondent; the current Statement of Charges; this Settlement Agreement; and the Menninger Clinic's evaluation report dated February 2, 2000. The worksite monitor shall agree to regularly observe and/or supervise Respondent in Respondent's practice setting. The worksite monitor shall report to the Board any suspected impairment, inappropriate behavior, questionable medical practice, professional misconduct, or any violation of the terms of this Settlement Agreement and Final Order. The worksite monitor will keep the Board informed of any restrictions in the scope of Respondent's clinical privileges. As a condition of approval, the worksite monitor shall agree to submit written quarterly reports to the Board concerning Respondent's treatment progress. The reports shall



be filed with the Board not later than January 20, April 20, July 20, and October 20 of each year of Respondent's probation.

- j) Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time, and location of the appearances.
- k) Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Iowa.

10. Respondent shall be responsible for all expenses incurred in complying with this Order.

11. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order. Evidence that Respondent has failed to abide by the terms of subparagraphs 10(b), (c), or (k) of this Settlement Agreement and Final Order while outside the state shall constitute a violation thereof.

12. In the event Respondent violates or fails to comply with any of the terms or conditions of this combined Settlement Agreement and Final Order, the

Settlement Agreement and Final Order
Mark Joseph Leding, D.O.

Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 147, 148, and 272C, and 653 IAC 12.2.

13. Upon full compliance with the terms of this Settlement Agreement and Final Order, and upon expiration of the period of probation, Respondent's Iowa medical license shall be restored to its full privileges free and clear of the terms of probation.

14. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

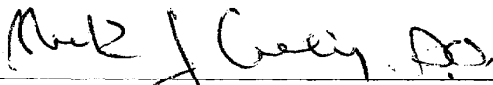
15. By entering into Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

16. This Settlement Agreement and Final Order is voluntarily submitted by Respondent to the Board for consideration.

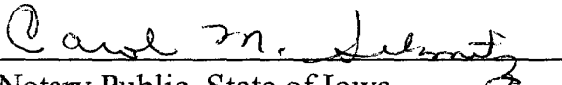
17. This Settlement Agreement and Final Order is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

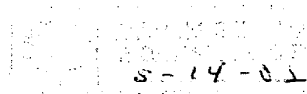
Settlement Agreement and Final Order
Mark Joseph Leding, D.O.

18. The Board's approval of this Settlement Agreement shall constitute a
FINAL ORDER of the Board.

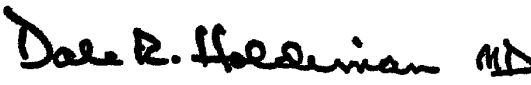

Mark Joseph Leding, D.O., Respondent

Subscribed and sworn to before me on 4/30, 2001.


Notary Public, State of Iowa



This Settlement Agreement and Final Order is approved by the Board on May 3,
2001.


Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 S.W.8th Street, Suite C
Des Moines, IA 50309-4686
Phone 515-281-5171

copies to:

David Brown
HANSEN, MCCLINTOCK & RILEY
Eighth Floor, Fleming Building
218 6th Avenue
Des Moines, IA 50309-4092



BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARK JOSEPH LEDING, D.O., RESPONDENT

No. 02-00-017

NOTICE OF HEARING

You are hereby notified that on September 21, 2000, the Iowa Board of Medical Examiners (Board) found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C (1999), and 653 IAC Chapter 12. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon said Statement of Charges on November 29, 2000. The hearing shall begin at 9:00 a.m., and shall be held at the Board office located at 400 SW 8th Street, Suite C, Des Moines, Iowa. The Board shall serve as presiding officer, and the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the Board at hearing.

Within 20 days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 653 IAC 12.18(2) to file an answer to the charges. In that answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the charges against you. The procedural rules governing the conduct of the hearing are found at 653 IAC chapter 12.

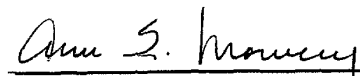
The office of the Attorney General is responsible for representation of the public interest (the State) in these proceedings. Copies of all pleadings filed with the Board should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg, Esq.
Assistant Attorney General
Iowa Department of Justice
Hoover State Office Building
Des Moines, IA 50319
Phone 515-281-6858

If you fail to appear at hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 12.28.

The matter may be resolved by settlement agreement, the procedural rules governing the Board's settlement process are found at 653 IAC 12.25. If you are interested in pursuing settlement in this matter please contact Kent M. Nebel, J.D., Director of Legal Affairs, at 515-281-7088.

IOWA BOARD OF MEDICAL EXAMINERS


Ann E. Mowery, Ph.D., Executive Director
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

c: Theresa O'Connell Weeg, Esq., Assistant Attorney General
Presiding Administrative Law Judge
Assigned Investigator

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

MARK JOSEPH LEDING, D.O., RESPONDENT

No. 02-00-017

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medical Examiners (the Board), on September 21, 2000, and files this Statement of Charges against Mark Joseph Leding, D.O., (Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

1. Respondent was issued license number 02398 to practice medicine and surgery in Iowa on January 8, 1990.
2. Respondent's Iowa medical license is current and will next expire on December 1, 2000.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged with professional incompetency pursuant to Iowa Code section 147.55(2), 148.6(2)(g), (i), and 258A.10(2) (1999), and 653 IAC sections 12.4(2)(b), (c), and (d), by demonstrating one or more of the following:

- a) A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other physicians or surgeons in the state of Iowa acting in the same or similar circumstances;
- b) A failure by a physician or surgeon to exercise in a substantial respect that degree of care which is ordinarily exercised by the average physician or surgeon in the state of Iowa acting in the same or similar circumstances; and
- c) A willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery in the state of Iowa.

COUNT II

5. Respondent is charged under Iowa Code sections 147.55 and 148.6(2)(a) (1999) and 653 Iowa Administrative Code Section 12.4(3) with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the physician's profession and with engaging in unethical conduct or practice harmful or detrimental to the public.

CIRCUMSTANCES

6. On numerous occasions, Respondent fell asleep during a surgical procedure for which he was responsible for anesthesia services,

7. On numerous occasions, Respondent inappropriately read non-medical material during a surgical procedure for which he was responsible for anesthesia services,

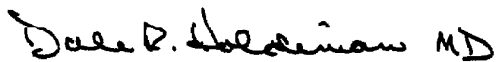
8. On numerous occasions, Respondent made inappropriate use of operating room equipment, the "bair hugger", during a surgical procedure for which he was responsible for anesthesia services,

9. On numerous occasions, Respondent inappropriately left the operating room during a surgical procedure for which he was responsible for anesthesia services,

10. On numerous occasions, Respondent inappropriately consumed food in the operating room during a surgical procedure for which he was responsible for anesthesia services,

11. On numerous occasions, Respondent falsified the anesthesia record for a surgical procedure for which he was responsible for anesthesia services.

12. **On this** the 21st day of September, 2000, the Iowa Board of Medical Examiners finds probable cause to file this Statement of Charges.



Dale R. Holdiman, M.D., Chair
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

cc: Theresa O'Connell Weeg, Esq.
Assistant Attorney General
Iowa Department of Justice
Hoover State Office Building
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Phone 515-281-6858